

## Food and Drug Administration, HHS

## § 1305.04

1305.13 Preservation of order forms.

1305.14 Return of unused order forms.

1305.15 Cancellation and voiding of order forms.

1305.16 Special procedure for filling certain order forms.

AUTHORITY: 21 U.S.C. 821, 828, 871(b), unless otherwise noted.

SOURCE: 36 FR 7796, Apr. 24, 1971, unless otherwise noted. Redesignated at 38 FR 26609, Sept. 24, 1973.

### § 1305.01 Scope of Part 1305.

Procedures governing the issuance, use, and preservation of order forms pursuant to section 1308 of the Act (21 U.S.C. 828) are set forth generally by that section and specifically by the sections of this part.

### § 1305.02 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term *Act* means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(b) The term *purchaser* means any registered person entitled to obtain and execute order forms pursuant to § 1305.04 and § 1305.06.

(c) The term *supplier* means any registered person entitled to fill order forms pursuant to § 1305.08.

(d) Any term not defined in this section shall have the definition set forth in section 102 of the Act (21 U.S.C. 802) and §§ 1301.02 and 1302.02 of this chapter.

### § 1305.03 Distributions requiring order forms.

An order form (DEA Form 222) is required for each distribution of a controlled substance listed in Schedule I or II, except for the following:

(a) The exportation of such substances from the United States in conformity with the Act;

(b) The delivery of such substances to or by a common or contract carrier for carriage in the lawful and usual course of its business, or to or by a warehouseman for storage in the lawful and usual course of its business (but excluding such carriage or storage by the owner of the substance in connection with the distribution to a third person);

(c) The procurement of a sample of such substances by an exempt law enforcement official pursuant to § 1301.26(b) of this chapter, provided that the receipt required by that section is used and is preserved in the manner prescribed in this part for order forms;

(d) The procurement of such substances by a civil defense or disaster relief organization, pursuant to § 1301.27 of this chapter, provided that the Civil Defense Emergency Order Form required by that section is used and is preserved with other records of the registrant; and

(e) The purchase of such substances by the master or first officer of a vessel pursuant to § 1301.28 of this chapter: *Provided*, That copies of the record of sale are generated, distributed and preserved by the vendor according to that section.

(f) The delivery of such substances to a registered analytical laboratory, or its agent approved by DEA, from an anonymous source for the analysis of the drug sample, provided the laboratory has obtained a written waiver of the order form requirement from the Special Agent in Charge of the Area in which the laboratory is located, which waiver may be granted upon agreement of the laboratory to conduct its activities in accordance with Administration guidelines.

[36 FR 7796, Apr. 24, 1971, as amended at 37 FR 15920, Aug. 8, 1972. Redesignated at 38 FR 26609, Sept. 24, 1973, and amended at 39 FR 15031, Apr. 30, 1974; 47 FR 41735, Sept. 22, 1982; 50 FR 31590, Aug. 5, 1985; 51 FR 5320, Feb. 13, 1986; 53 FR 4963, Feb. 19, 1988]

### § 1305.04 Persons entitled to obtain and execute order forms.

(a) Order forms may be obtained only by persons who are registered under section 303 of the Act (21 U.S.C. 823) to handle controlled substances listed in Schedules I and II, and by persons who are registered under section 1008 of the Act (21 U.S.C. 958) to export such substances. Persons not registered to handle controlled substances listed in Schedule I or II and persons registered only to import controlled substances listed in any schedule are not entitled to obtain order forms.